IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

CURVER LUXEMBOURG, SARL., Plaintiff, v. HOME EXPRESSIONS INC. Defendants.	Civil Action No. ________ **COMPLAINT** **[DEMAND FOR JURY TRIAL]**

For its Complaint, Plaintiff Curver Luxembourg, SARL. ("Curver") hereby alleges as follows:

PARTIES

1. Curver is a Luxembourg corporation, having its principal place of business at Z.I Haneboesch, L-4578 Differdange, Luxembourg.

2. Defendant Home Expressions Inc. ("Home Expressions") is a New York corporation with its principal place of business at 195 Raritan Center Parkway, Edison, New Jersey, 08837.

JURISDICTION AND VENUE

3. This is an action for patent infringement brought under the patent laws of the United States, 35 U.S.C. § 271 *et seq*. This Court has original subject matter jurisdiction over the claims in this action pursuant to 28 U.S.C. §§ 1331 and 1338(a), and 35 U.S.C. § 281.

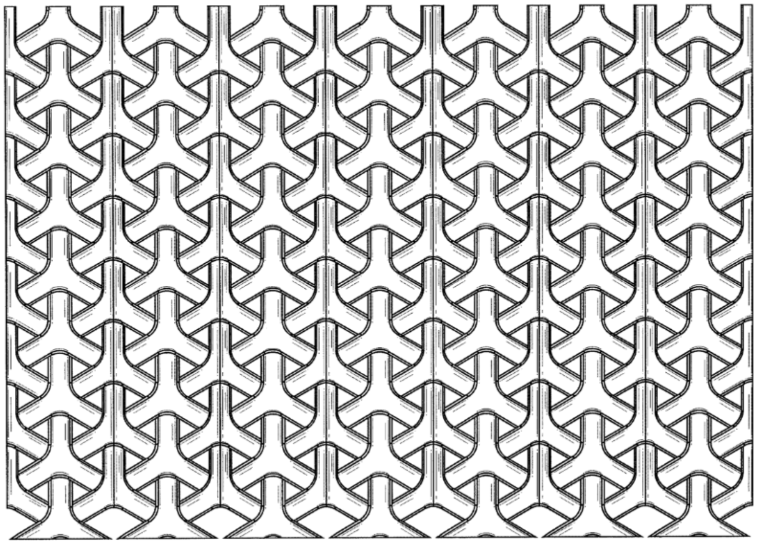
4. Home Expressions is subject to personal jurisdiction in this Court due to Home Expressions' established place of business in this jurisdiction and its continuous, systematic, and substantial activities conducted within this judicial district.

5. Venue in this Court is proper pursuant to 28 U.S.C. § 1400(b) because Home Expressions has a regular and established place of business in this jurisdiction and has committed acts of infringement in this jurisdiction.

CAUSE OF ACTION FOR PATENT INFRINGEMENT

6. Curver is the owner of U.S. Patent No. D677,946 (the "'946 Patent"). The '946 Patent was duly and lawfully issued by the United States Patent and Trademark Office on March 19, 2013. A copy of the '946 Patent is attached as Exhibit 1 to this Complaint.

7. The '946 Patent claims the ornamental overlapping "Y" design pictured below:



8. Curver makes and sells storage baskets incorporating the design in the '946 Patent, which it sells throughout the United States, including in this jurisdiction. Photographs of Curver's baskets are attached as Exhibit 2 to this Complaint.

9. Curver has taken reasonable measures to mark its products within the scope of the '946 Patent, including its basket, in accordance with 35 U.S.C. § 287.

10. Home Expressions makes and sells a basket that is identical to Curver's basket in every way, including incorporating the patented overlapping "Y" design of the '946 Patent. Photographs of the baskets sold by Home Expressions are attached as Exhibit 3 to the Complaint.

11. Home Expressions' basket contains each element of the claimed design in the '946 Patent. As a result, the manufacture, use, sale, offer for sale and/or importation of the accused basket by Home Expressions constitutes patent infringement under 35 U.S.C. § 271 *et seq*.

12. Home Expressions' basket even contains the unprotected elements of Curver's basket, such as an alternating matte and glossy finish on the bottom of the basket, clearly establishing that Home Expressions copied Curver's basket design.

13. Upon information and belief, Home Expressions has offered their accused basket design for sale within the U.S. District for the District of New Jersey.

14. Home Expressions has infringed, and will continue to infringe, the '946 Patent unless enjoined by this Court from making, using, offering for sale, importing and/or selling the accused basket design within the United States.

15. Home Expressions' acts of infringement are wanton, willful, and performed with complete disregard for Curver's statutory rights.

16. Home Expressions' acts of infringement have caused both immeasurable and measurable damage to Curver.

17. Curver has no adequate remedy at law.

WHEREFORE, Curver prays that the Court enter judgment:

(a) finding that Home Expressions has infringed U.S. Patent No. D677,946;

(b) pursuant to 35 U.S.C. § 283, permanently enjoining Defendant Home Expressions, its subsidiaries, affiliates, divisions, officers, agents, servants, employees, directors, partners, representatives, and all parties in active concert and/or participation with Home

Expressions from directly or indirectly making, having made, selling, offering for sale, distributing, using, or importing into the United States products that infringe U.S. Patent No. D677,946;

(c) finding that Home Expressions' acts of infringement are willful;

(d) pursuant to 35 U.S.C. § 284, ordering Home Expressions to account for and pay to Curver all damages caused by Home Expressions' infringement of U.S. Patent No. D677,946, including lost profits and interest, but in no event less than a reasonable royalty;

(e) pursuant to 35 U.S.C. § 289 awarding to Curver the extent of Home Expressions' total profit derived from sales of the accused basket design.

(f) awarding treble damages pursuant to 35 U.S.C. § 284;

(g) granting Curver such other and further relief as the Court may deem just and proper.

JURY DEMAND

Plaintiff demands a jury trial for all issues triable.

Dated: June 6, 2017

Respectfully submitted,

By: *s/ Jason Kislin*

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